

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1367 of 2004

with

SPECIAL CIVIL APPLICATION No 5899 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

MAULIK GORDHANBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 1367 of 2004
MR AMIT M PANCHAL for Petitioner No. 1-5
MRS MANISHA SHAH AGP for Respondent No. 1-2
MRS VD NANAVATI for Respondent No. 3
MR HASMUKH C PATEL for Respondent No. 4
MS NEHA I JANI for Respondent No. 4
MR HARESH J TRIVEDI for Respondent No. 5
MR DC DAVE for Respondent No. 6
 2. Special Civil Application No. 5899 of 2004
MR AMIT M PANCHAL for Petitioner No. 1
MRS MANISHA SHAH for Respondent No. 1
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Date of decision: 08/12/2004

ORAL JUDGEMENT

1. The petitioners have preferred these petitions in order to direct the respondents to ensure that the enrolment forms of the petitioners at Annexure-D to the petitions are approved and that the Academic Year of the petitioners are not wasted and action is taken to permit the petitioners to appear in the First Year B.Pharm Examination conducted by respondent no.3 University.

2. By order dated 27/04/2004, this Court (Coram : K. M. Mehta, J.) had granted ad-interim relief in terms of Para 9(B)(ii) & (iii), by which the respondents were restrained from interfering with the studies of the petitioners after being admitted to the First Year B.Pharm Course in the Academic Year 2003-2004, thereby permitting the petitioners to appear in the Final Exam of the First Year B.Pharm Course conducted by respondent no.3 University.

3. Mr.A M Panchal for the petitioners has submitted that pursuant to the order of this Court, the petitioners were granted admission in the First Year B.Pharm Course. He has also submitted that the petitioners comply with the eligibility criteria prescribed by the respondent authorities and also with the criteria that has been prescribed by the Supreme Court in Special Leave Petition (C) No.18297 of 2003 decided on 15/12/2003.

4. I have heard learned counsel for the parties and perused the relevant documents on record. Now, in view of the fact that the respondents have accepted and implemented the interlocutory order passed by this Court, relying on the decision of the Supreme Court in the aforesaid Special Leave Petition, the petitions are required to be allowed in terms of the ad-interim relief granted by this Court.

5. Hence, the petitions are allowed in terms of the ad-interim relief granted by this Court. Rule is made absolute accordingly to the above extent in both the petitions. Respondent no.3, University, is directed to permit the petitioners to continue their studies in future and to declare their results for the respective exams.

(K. S. Jhaveri, J.)

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